

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of:	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Mid-Tex Cellular, Ltd. Request for	)	
Waiver of Section 52.15(g)(3)(i)(A)(B)	)	
47 C.F.R. § 52.15(g)(3)(i)(A)(B)	)	

To: Wireline Competition Bureau

**PETITION FOR WAIVER - EXPEDITED ACTION REQUESTED**

Mid-Tex Cellular, Ltd. ("Mid-Tex Cellular" or "Petitioner"), pursuant to Section 1.925 of The Commission's Rules, 47 C.F.R. §1.925, hereby requests a waiver of Section 52.15(g)(3)(i)(A)(B), 47 C.F.R. § 52.15(g)(3)(i)(A)(B), and the Industry Number Committee's ("INC") six-months-to-exhaust criteria for central office ("CO") code assignment and resource utilization.<sup>1</sup> Specifically, Petitioner requests a waiver of months-to-exhaust (MTE) and utilization threshold requirements to receive new growth central office (CO) or NXX codes on a one-time basis. By this petition, Mid-Tex Cellular requests one (1) growth code in the 325 Numbering Plan Area ("NPA") and one (1) growth code in the 254 NPA. Petitioner respectfully requests that the Commission direct the North American Numbering Plan Administrator ("NANPA") assign to Mid-Tex Cellular the requested growth codes *no later than February 10, 2004*, in order for the requested codes to be used as of April 15, 2004, sixty-six (66) days from NANPA assignment. In support of this Petition, the following is respectfully shown:

---

<sup>1</sup>*Central Office Code (NXX) Assignment Guidelines*, INC 95-0407-008, November 21, 2003, §4.3.1

## **I. BACKGROUND**

Mid-Tex Cellular is a small, rural commercial mobile radio service ("CMRS") provider (call sign KNKN953), licensed to provide cellular telecommunications to six (6) counties in Texas. Mid-Tex Cellular is currently assigned 647 in Brownwood (325 NPA) and 967 in Stephenville (254 NPA). These two CO codes, 647 and 967, currently serve the Petitioner's Time Division Multiple Access (TDMA)-based switch located in San Angelo, Texas. Petitioner's requirement for additional CO codes in the 325 and 254 NPAs is the result of the company's phase-out of the TDMA technology and the concurrent relocation and implementation of GSM/GPRS digital switching technology, approximately 100 miles away in Brownwood, Texas. Petitioner expects to make initial offers of the newer technology services by April 15, 2004.

## **II. ARGUMENT**

Because of the inherent technical complexity of the inter-standard conversion from a TDMA-based network to a GSM/GPRS-based network and its potential issues for Petitioner's limited number of personnel, Petitioner cannot "flash-cut" to the newer GSM-based network. However, because Petitioner is over-laying its TDMA network with the new GSM network, the newer service can be introduced as of April 15, 2004 on a non-disruptive, "parallel" basis, even as the lengthy TDMA-to-GSM conversion is being implemented. Additional codes will assure that existing customers who want to migrate to the newer technology service offerings in April will not suffer lengthy service downtimes related to the technology conversion.

NANPA has denied Petitioner's applications for additional growth codes because the existing CO codes assigned to Mid-Tex Cellular have not met the 70% utilization threshold nor the MTE requirements (see attached Part 1 applications, MTE worksheets for the 325-647 and 254-967 codes, and NANPA denials). Accordingly, Petitioner asks for a one-time waiver of

NANPA utilization and MTE requirements in order that Petitioner may be assigned the additional requested growth codes to accommodate its switch relocation; to phase-in the conversion to newer technology; to be able to offer the newer technology to consumers as it is phased in; and, to accomplish these changes without unnecessary disruption to its customers' service.

Waiver of the Commission's rules is appropriate where a party demonstrates that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of the unique or unusual circumstances of the case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative. 47 C.F.R. §1.925(b)(3). Mid-Tex Cellular's case represents unique circumstances for a small rural provider. Application of the rules in this instance would be unduly burdensome to Petitioner and contrary to the public interest.

The underlying purpose of the rule(s) would not be served by its application in the instant case. The Commission's numbering resource rules are intended, in part, to prevent the building up or stockpiling of numbers by carriers.<sup>2</sup> The rules are used to verify a carrier's need for growth numbering resources.<sup>3</sup> Mid-Tex Cellular has demonstrated the need for additional codes.

### **III. NEED FOR EXPEDITED ACTION**

Because Petitioner is over-laying its TDMA network with the new GSM network, the newer technology GSM service will be technically available on a parallel basis and can be

---

<sup>2</sup>*Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (March 2000), 7615-6.

<sup>3</sup>*Id.*

offered to consumers as of April 15, 2004 if the additional codes can be obtained. Accordingly, the new CO codes need to be assigned no later than February 10, 2004 in order to be operational on April 15, 2004.

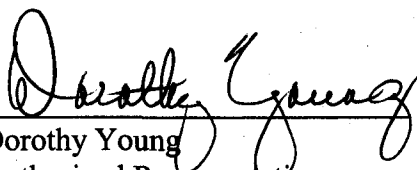
#### IV. CONCLUSION

For the reasons set forth above, Mid-Tex Cellular respectfully requests that the Commission waive the requirement that Mid-Tex Cellular demonstrate it meets the utilization and MTE threshold requirements as part of its application for two (2) new CO codes. Petitioner respectfully requests that the Commission direct NANPA to assign to Mid-Tex Cellular the requested codes by February 10, 2004 in order that the new codes can be operational by April 15, 2004.

Respectfully submitted,

**Mid-Tex Cellular, Ltd.**

By



Dorothy Young  
Authorized Representative  
CHR Solutions, Inc.  
3721 Executive Center Drive,  
Suite 200  
Austin, Texas 78731-1639  
Telephone: (512) 343-2544  
Facsimile: (512) 343-0119

# Central Office Code (NXX) Assignment Request – Part 1

Revised September 24, 2001

Type of Application: ☒ New ☐ Change<sup>1</sup> ☐ Delete

## 1.0 GENERAL INFORMATION

### 1.1 Contact Information:

Code Applicant:

Company/Entity Name: Mid-Tex Cellular, Ltd.

Headquarters Address: 6100 Hwy 16, P.O. Box 349

City, State, Zip: De Leon, TX 76444

Contact Name: Jimmy Dennington

Contact Address: 6100 Hwy 16, P.O. Box 349

City, State, Zip: De Leon, TX 76444

Phone: 254-893-8000 FAX: 254-893-7080 E-Mail: jimmyd@cctc.net

Code Administrator:<sup>2</sup>

Name: Nancy Cowles- Code Administrator

Address: 1800 Sutter Street, Suite 570

City, State, Zip: Concord, CA 94520

Phone: 925-363-8772 FAX: 925-363-8734

1.2 NPA: 325 NXX:<sup>3</sup> \_\_\_\_\_ LATA: 961 OCN:<sup>4</sup> 6746 Parent Company's OCN(s) 2060  
Switching Identification (Switching Entity/POI)<sup>5</sup> BWWDTXEPCM1  
Locality/City/Wire Center: Brownwood Rate Center:<sup>6</sup> Brownwood  
Homing Tandem Operating Co.: Verizon Southwest Tandem Homing CLLI™:<sup>8</sup> BWWDTXXA02T

1.3 Dates: Date of Application: December 11, 2003 Requested Effective Date:<sup>9 10</sup> April 15, 2004

1.4 Type of company/entity requesting the code:

- a). CMRS (LEC, IC, CMRS, Other)
- b). b) Type of service Cellular-Type 2 and GSM (e.g., Cellular - Type 2)
- c). Code Assignment Preference (Optional) \_\_\_\_\_
- d). Codes that are undesirable, if any \_\_\_\_\_
- e). Type of change: \_\_\_\_\_

1.5 Type of Request (Initial, growth, etc.): Growth

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pool Indicator \_\_\_\_\_ (YES)<sup>11</sup>

1.6 NPA Jeopardy Criteria Apply: Yes \_\_\_\_\_ No X

1.7 Code request for new service (Explain): Mid-Tex Cellular, Ltd is requesting 2 new NXX codes. The NXXs will be needed in the 325 and 254 NPAs. The rate centers involved are (325 NPA) is Brownwood and (254 NPA) is Stephenville. This is for a new switch in a new location and is expected to go live April 15, 2004. The switch location address is 1407 Main Street, Brownwood, Texas 76801.

1.8 Part 2 is attached \_\_\_\_\_ Part 2 is not attached \_\_\_\_\_ for BIRRDS<sup>12, 13</sup>

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application<sup>14</sup>:

Signature of Code Applicant<sup>15</sup> \_\_\_\_\_ Access Coordinator \_\_\_\_\_ December 11, 2003  
Title \_\_\_\_\_ Date \_\_\_\_\_

## CO CODE ASSIGNMENT

**MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level<sup>1</sup>**  
 (Worksheet to be used for Requests for Additional Codes for Growth)

Date: December 11, 2003 Company Name: Mid-Tex Cellular, Ltd.Rate Center: BrownwoodNPA(s)-NXXs included in growth calculation<sup>2</sup>: 325-647

Signature of Authorized Representative of Code Applicant: \_\_\_\_\_

Title: Access Coordinator Telephone No.: 254-893-8000 FAX No.: 254-893-8001A. Telephone Numbers (TNs) Available for Assignment (See Glossary<sup>3</sup>): 4637

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
B. Previous 6-month growth history <sup>4</sup>	85	56	71	70	118	16						
C. Forecast – Next months 1-12 <sup>5</sup>	70	70	70	70	70	70	70	70	70	70	70	70

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): 70

E. Months to Exhaust<sup>6</sup> = 
$$\frac{\text{Telephone Numbers (TNs) Available for Assignment (A)}}{\text{Average Monthly Forecast (D)}} = 67$$

F. Utilization Level<sup>7</sup> = 
$$\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = 54\%$$

Explanation: Mid-Tex Cellular, Ltd. is requesting a new NXX for the 325 NPA. We are installing a new switch in a new location approximately 120 miles from our existing switch and need the new NXX code for new facilities and new technology. The new switch CLLI code is BWWDTXEPCM1 and is located at 1407 Main Street, Brownwood, Texas 76801. We are planning to go live around April 15, 2004, with testing to take place March 1, 2004.

<sup>1</sup> A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.

<sup>2</sup> Report on all resources for the requested geographic area, including newly acquired codes.

<sup>3</sup> Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.

<sup>4</sup> Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

<sup>5</sup> Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>6</sup> To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).

<sup>7</sup> Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, § 52.15 (g) (3) (iii)).

**From:** "Jimmy Dennington" <jimmyd@cctc.net>  
**To:** "Jo Shotwell-CHR-Austin" <jo.shotwell@chrsolutions.com>  
**Date:** 12/22/03 3:50PM  
**Subject:** Fw: Part 3 Response for Tracking #: 325-188986

CAS: View related Part 3

----- Original Message -----

From: nancy.cowles@NeuStar.com  
To: jimmyd@cctc.net  
Cc: nancy.cowles@neustar.com ; part3@neustar.com  
Sent: Monday, December 22, 2003 2:40 PM  
Subject: Part 3 Response for Tracking #: 325-188986

Central Office Code (NXX) Assignment Request - Part3  
Effective May 18, 1998  
Code Request Tracking Number: 325-188986

---

Administrator's Response/Confirmation

Date of Application: December 11, 2003 Date of Receipt: December 12, 2003

Date of Response: December 22, 2003 Effective Date:

Company/Entity Name: MID-TEX CELLULAR INC

Code Administrator Contact Information:

Nancy Cowles

Signature of Code Administrator Phone: 9253638772

Nancy Cowles

Name (print) Fax: 9253638734

X NPA: 325 Code Assigned: Date of NXX Code Assignment:

a. Switch Identification (Switching Entity/POI): BWWDTXEPCM1 Rate Center:

BROWNWOOD

b. The Code Administrator is , is not X responsible for inputting Part 2 information into RDBS and BRIDS.

c. Routing and Rating information complete: Yes No X

Additional RDBS and BRIDS information necessary as follows: No

d. To be published in the LERG and TMP by

Additional RDBS and BRIDS information needs to be received by the code administrator no later than

Code Reserved: Date of Reservation:

Your code will be honored until

Switch Identification (Switching Entity / POI):

Form incomplete

Additional information required in the following section(s):

X Form complete, code request denied

Explanation: Please refer to the remarks below

Assignment activity suspended by the administrator

Explanation:

Further Action:

X NPA in jeopardy: Yes      No X

If yes, refer to Section 7 of the assignment guidelines.

Change/Disconnect List:

Remarks:

DR:11 According to the Central Office Code Assignment Guidelines, Section 4.2.1, code holders requesting growth codes must demonstrate that existing codes within the rate center will exhaust within 6.0 months. DR:22 According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 70% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process.

**CC:** "Dennis Rose-chr-austin" <dennis.rose@chrsolutions.com>



# Central Office Code (NXX) Assignment Request – Part 1

Revised September 24, 2001

Type of Application: ☒ New ☐ Change<sup>1</sup> ☐ Delete

## 1.0 GENERAL INFORMATION

### 1.1 Contact Information:

Code Applicant:

Company/Entity Name: Mid-Tex Cellular, Ltd.

Headquarters Address: 6100 Hwy 16, P.O. Box 349

City, State, Zip: De Leon, TX 76444

Contact Name: Jimmy Dennington

Contact Address: 6100 Hwy 16, P.O. Box 349

City, State, Zip: De Leon, TX 76444

Phone: 254-893-8000 FAX: 254-893-7080 E-Mail: jimmyd@cctc.net

Code Administrator:<sup>2</sup>

Name: Nancy Cowles- Code Administrator

Address: 1800 Sutter Street, Suite 570

City, State, Zip: Concord, CA 94520

Phone: 925-363-8772 FAX: 925-363-8734

1.2 NPA: 254 NXX:<sup>3</sup> \_\_\_\_\_ LATA: 552 OCN:<sup>4</sup> 6746 Parent Company's OCN(s) 2060

Switching Identification (Switching Entity/POI)<sup>5</sup> STVLTXXBDS0

Locality/City/Wire Center: Stephenville Rate Center:<sup>6</sup> Stephenville

Homing Tandem Operating Co.: Sprint/United Telephone of Texas Tandem Homing CLLI<sup>TM</sup>:<sup>8</sup> STVLTXXB04T

1.3 Dates: Date of Application: December 11, 2003 Requested Effective Date:<sup>9 10</sup> April 15, 2004

1.4 Type of company/entity requesting the code:

a). CMRS (LEC, IC, CMRS, Other)

b). b) Type of service Cellular-Type 2 and GSM (e.g., Cellular - Type 2)

c). Code Assignment Preference (Optional) \_\_\_\_\_

d). Codes that are undesirable, if any \_\_\_\_\_

e). Type of change: \_\_\_\_\_

1.5 Type of Request (Initial, growth, etc.): Growth

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pool Indicator \_\_\_\_\_ (YES)<sup>11</sup>

1.6 NPA Jeopardy Criteria Apply: Yes \_\_\_\_\_ No X

1.7 Code request for new service (Explain): Mid-Tex Cellular, Ltd is requesting 2 new NXX codes. The NXXs will be needed in the 325 and 254 NPAs. The rate centers involved are (325 NPA) is Brownwood and (254 NPA) is Stephenville. This is for a new switch in a new location and is expected to go live April 15, 2004. The switch location address is 1407 Main Street, Brownwood, Texas 76801.

1.8 Part 2 is attached \_\_\_\_\_ Part 2 is not attached \_\_\_\_\_ for BIRRDs<sup>12, 13</sup>

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application<sup>14</sup>:

\_\_\_\_\_  
Signature of Code Applicant<sup>15</sup>

Access Coordinator  
Title

December 11, 2003  
Date

## CO CODE ASSIGNMENT

**MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level<sup>1</sup>**  
 (Worksheet to be used for Requests for Additional Codes for Growth)

Date: December 11, 2003 Company Name: Mid-Tex Cellular, Ltd.Rate Center: StephenvilleNPA(s)-NXXs included in growth calculation<sup>2</sup>: 254-967

Signature of Authorized Representative of Code Applicant: \_\_\_\_\_

Title: Access Coordinator Telephone No.: 254-893-8000 FAX No.: 254-893-8001A. Telephone Numbers (TNs) Available for Assignment (See Glossary<sup>3</sup>): 7553

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
B. Previous 6-month growth history <sup>4</sup>	85	56	71	70	118	16						
C. Forecast – Next months 1-12 <sup>5</sup>	70	70	70	70	70	70	70	70	70	70	70	70

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): 70

E. Months to Exhaust<sup>6</sup> = 
$$\frac{\text{Telephone Numbers (TNs) Available for Assignment (A)}}{\text{Average Monthly Forecast (D)}} = 108$$

F. Utilization Level<sup>7</sup> = 
$$\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = 24\%$$

Explanation: Mid-Tex Cellular, Ltd. is requesting a new NXX for the 254 NPA. We are installing a new switch in a new location approximately 120 miles from our existing switch and need the new NXX code for new facilities and new technology. The new switch CLLI code is BWWDTXEPCM1 and is located at 1407 Main Street, Brownwood, Texas 76801. We are planning to go live around April 15, 2004, with testing to take place March 1, 2004.

<sup>1</sup> A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.

<sup>2</sup> Report on all resources for the requested geographic area, including newly acquired codes.

<sup>3</sup> Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.

<sup>4</sup> Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

<sup>5</sup> Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>6</sup> To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).

<sup>7</sup> Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, § 52.15 (g) (3) (ii)).

**From:** "Jimmy Dennington" <jimmyd@cctc.net>  
**To:** "Jo Shotwell-CHR-Austin" <jo.shotwell@chrsolutions.com>  
**Date:** 12/22/03 3:53PM  
**Subject:** Fw: Part 3 Response for Tracking #: 254-188985

CAS: View related Part 3

----- Original Message -----

From: nancy.cowles@NeuStar.com  
To: jimmyd@cctc.net  
Cc: nancy.cowles@neustar.com ; part3@neustar.com  
Sent: Monday, December 22, 2003 2:41 PM  
Subject: Part 3 Response for Tracking #: 254-188985

Central Office Code (NXX) Assignment Request - Part3  
Effective May 18, 1998  
Code Request Tracking Number: 254-188985

---

Administrator's Response/Confirmation

Date of Application: December 11, 2003 Date of Receipt: December 12, 2003

Date of Response: December 22, 2003 Effective Date:

Company/Entity Name: MID-TEX CELLULAR INC

Code Administrator Contact Information:

Nancy Cowles

Signature of Code Administrator Phone: 9253638772

Nancy Cowles

Name (print) Fax: 9253638734

X NPA: 254 Code Assigned: Date of NXX Code Assignment:

a. Switch Identification (Switching Entity/POI): STVLTXXBDS0 Rate Center: STEPHENVL

b. The Code Administrator is , is not X responsible for inputting Part 2 information into RDBS and BRIDS.

c. Routing and Rating information complete: Yes No X

Additional RDBS and BRIDS information necessary as follows: No

d. To be published in the LERG and TMP by

Additional RDBS and BRIDS information needs to be received by the code administrator no later than

Code Reserved: Date of Reservation:

Your code will be honored until

Switch Identification (Switching Entity / POI):

Form incomplete

Additional information required in the following section(s):

X Form complete, code request denied

Explanation: Please refer to the remarks below

Assignment activity suspended by the administrator

Explanation:

Further Action:

X NPA in jeopardy: Yes No X

If yes, refer to Section 7 of the assignment guidelines.

Change/Disconnect List:

Remarks:

DR:11 According to the Central Office Code Assignment Guidelines, Section 4.2.1, code holders requesting growth codes must demonstrate that existing codes within the rate center will exhaust within 6.0 months. DR:22 According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 70% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process.

**CC:** "Dennis Rose-chr-austin" <dennis.rose@chrsolutions.com>